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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,196	06/20/2000	John Zimmerman	US000127	6011

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BRIARCLIFF MANOR, NY 10510

EXAMINER

SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/597,196	ZIMMERMAN, JOHN	
	Examiner Kristie D. Shingles	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 March 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 5,7,9,10 and 12-25 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 5,7,9,10 and 12-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Response to Amendment
Claims 1-4, 6, 8 and 11 are cancelled.
Claim 5 has been amended.

Claims 5, 7, 9, 10 and 12-25 are pending.

Response to Arguments
In view of the After-Final filed on 3/12/2007, PROSECUTION IS HEREBY REOPENED.

I. Applicant's arguments with respect to claims 5, 9 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

II. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

III. Claims 5, 7, 9, 10, 12-21, 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Venkatraman et al (US 6,139,177).

a. Per claim 14, Venkatraman et al teach the method of controlling an appliance, comprising:

- receiving an address of a relay server from a remote device (*col.5 lines 35-38—receive address of device homepage from user's web browser*);

- transmitting a first request to the relay server (*col.5 lines 36-67—transmits first request to the device's web server*),
- receiving an address of a profile server from the relay server, based on the first request (*col.6 line 5-col.7 line 8—receiving address of the loader web page from the device's homepage*),
- transmitting a second request to the profile server (*col.7 lines 9-52—transmit load request to loader web page*),
- receiving a profile from the profile server, based on the second request (*col.3 lines 38-53, col.7 line 53-col.8 line 9—receive updated device configuration from loader after downloading components from a retrieved package file*); and
- controlling the appliance in dependence upon profile (*abstract, col.3 lines 20-30 38-58, col.8 lines 5-9—controlling and configuring the appliance based upon the downloaded components from the loader*).

b. **Claim 5** contains limitations that are substantially similar to claim 14 and is therefore rejected under the same basis.

c. **Regarding claim 15**, *Venkatraman et al* teach the method of claim 14, wherein the remote device is a radio-frequency device that transmits the address associated with the relay server (*col.4 line 62-col.5 line 30*).

d. **Regarding claim 16**, *Venkatraman et al* teach the method of claim 14, further including receiving an address associated with an other relay server from another remote device, transmitting a third request to the other relay server, based on the address associated with the other relay server, receiving an address of another profile server from the other relay server, transmitting a fourth request to the other profile server based on the address of the other profile server, receiving another profile from the other profile server based on the fourth request, and controlling the appliance in dependence upon the other profile (*col.4 lines 11-17, col.6 lines 37-52*).

e. **Claim 9** contains limitations that are substantially similar to claim 16 and is therefore rejected under the same basis.

f. **Regarding claim 17**, *Venkatraman et al* teach the method of claim 14, wherein the device identifier includes a Uniform Resource Locator (URL) associated with the relay server (*col.5 lines 35-41*).

g. **Regarding claim 18**, *Venkatraman et al* teach the appliance of claim 5, wherein the communications device is a wireless device that is remote from the appliance (*col.4 line 62-col.5 line 30*).

h. **Claim 19** is substantially similar to claim 17 and is therefore rejected under the same basis.

i. **Regarding claim 20**, *Venkatraman et al* teach the appliance of claim 5 wherein the controller is configured to determine an address of the relay server based on the device identifier (*col.5 lines 35-51*).

j. **Regarding claim 7**, *Venkatraman et al* teach the method of claim 9, wherein each of the first remote device and the second remote device correspond to a portable device (*col.4 line 62-col.5 line 30*).

k. **Regarding claim 10**, *Venkatraman et al* teach the method of claim 9, wherein each of the first and second remote device corresponds to a radio frequency identification device (*col.4 line 62-col.5 line 30*).

l. **Regarding claim 12**, *Venkatraman et al* teach the method of claim 10, wherein delivering the first and second access data includes co-locating the radio frequency identification device with the appliance (*col.10 line 51-col.11 line 20*).

m. **Regarding claim 13**, *Venkatraman et al* teach the method of claim 9, wherein receiving at least the portion of the first configuration data includes receiving a portion of the profile data including data relating to the appliance and data relating to another type of appliance (col.6 lines 37-47).

n. **Regarding claim 21**, *Venkatraman et al* teach the appliance of claim 9, wherein reconfiguring the appliance includes creating a composite of the first profile data and the second profile data (col.3 lines 43-53).

o. **Claims 24 and 25** are substantially similar to claim 17 and are therefore rejected under the same basis.

Claim Rejections - 35 USC § 103

IV. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

V. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman et al (US 6,139,177) in further view of Hanko et al (US 6,912,578).

a. **Regarding claim 22**, *Venkatraman et al* teach the method of claim 12 as applied above yet fail to explicitly teach, reconfiguring the appliance to the first configuration after removal of the second remote device from a vicinity of the appliance. However, *Hanko et al* teach reconfiguring the appliance to a first configuration the smartcard is removed from the appliance (col.3 lines 40-53, col.5 lines 18-30, col.9 lines 38-57, col.11 lines 10-41, col.13 lines

38-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Venkatraman et al* with *Hanko et al* for the purpose of permitting the appliance to reconfigure after a smartcard is removed or after a remote device is moved from the vicinity of the appliance (wherein the wireless, radio or infrared communication path is termination), in order for the appliance to return to its original dormant state, ready for input. Doing so, safeguards the integrity of the appliance's original configuration state from being compromised or over-written with preferential data from a user's smartcard or remote device and permits other smartcards/remote devices to effectively use the appliance without one tying-up or leaking the system's resources.

b. **Regarding claim 23,** *Venkatraman et al* with *Hanko et al* teach the method of claim 22, further including measuring a time duration after the removal of the second remote device, and wherein reconfiguring the appliance to the first configuration occurs when the time duration exceeds a predefined persistence period (*Hanko et al*: col.3 lines 40-53, col.5 lines 18-30, col.9 lines 38-57, col.11 lines 10-41, col.13 lines 38-54).

Conclusion

VI. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Davis et al (6,282,522), Jones et al (6,557,032), Tapperson et al (5,793,963).

VII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie D. Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

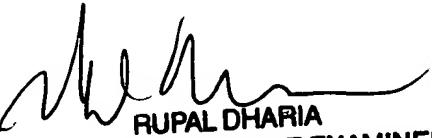
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie D Shingles
Examiner
Art Unit 2141

kds



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER